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JACKSON'S ADM'R v. WICKHAM et al.

March 9, 1911.

[70 S. E. 539.]

1. Appeal and Error (§ 1001*)—Review—Questions of Fact.—Where a cause has been properly submitted to a jury, and a verdict fairly rendered, it will not be set aside, unless manifest injustice has been done, or unless it is plainly not warranted by the evidence.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3922, 3928-3934; Dec. Dig. § 1001.* 1 Va.-W. Va. Enc. Dig. 617.]

2. Appeal and Error (§ 334*)—Death of Plaintiff.—Where defendants' motion for a new trial was erroneously sustained, and on the second trial a verdict was returned for defendants, and after the death of plaintiff her administrator petitioned for a writ of error, it was properly granted.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 1851-1863; Dec. Dig. § 334.* 1 Va.-W. Va. Enc. Dig. 531.]

3. Appeal and Error (§ 332*)—Death of Plaintiff.—Where, before counsel for plaintiff were informed of her death, they had presented a petition for a writ of error in her name, which was granted, the court's attention having been called to plaintiff's death, the writ was properly dismissed.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 1842-1845; Dec. Dig. § 332.* 1 Va.-W. Va. Enc. Dig. 531.]

Error to Corporation Court of City of Manchester.

Action by Emma Lee Jackson against one Wickham and another, as receivers of the Virginia Passenger & Power Company. J. S. Jackson, as administrator of plaintiff, brings error to review the overruling of a motion to set aside a verdict in favor of defendants. Reversed.

Scott, Buchanan & Cardwell and *B. H. Custer*, for plaintiff in error.

R. H. Mann and *A. B. Guigon*, for defendants in error.

BRADLEY et al. v. PATTERSON et al.

March 9, 1911.

[70 S. E. 540.]

1. Taxation (§ 750*)—Tax Deed—Validity.—Code 1887, § 666, as amended by Acts 1897-98, c. 306 (Code 1904, p. 326), provides that if no person, who has the right to redeem land at the time of the service of copies of a notice of an application to purchase or of the

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

completion of the order of publication, appear within four months, the applicant may purchase in the manner prescribed. In the form of notice prescribed in Acts 1899-1900, c. 794 (Code 1904, p. 326), the landowner is notified to appear in four months from the date of the notice. Held, that the four months' notice required to be given commences to run from the completion of order of publication, and not from its date.

[Ed. Note.—For other cases, see Taxation, Cent. Dig. § 1497; Dec. Dig. § 750.* 13 Va.-W. Va. Enc. Dig. 164; 10 Va.-W. Va. Enc. Dig. 484.]

2. Taxation (§ 746*)—Surveys—Application to Purchase.—Code 1887, § 666 (Code 1904, p. 326), provides that the court unless it have some objection to the report of a surveyor on a survey of land made at the instance of an applicant to purchase, shall order the same to be recorded. Held, that the object of the report of survey and recordation thereof is to furnish record evidence of the identity of the land, and the fact that the county court, in approving a report, ordered the clerk to convey to the purchaser, did not authorize the clerk to make a deed to the applicant, except on petition of the applicant and the clerk's refusal to make the deed.

[Ed. Note.—For other cases, see Taxation, Dec. Dig. § 746.* 13 Va.-W. Va. Enc. Dig. 136.]

Appeal from Circuit Court, Franklin County.

Suit by David Patterson and others against Howard Bradley, as trustee, and another. From a decree in favor of plaintiffs, defendants appeal. Affirmed.

Hairston, Hairston & Willis, L. W. Anderson, and Samuel A. Anderson, for appellants.

Dillard & Lee and S. Hamilton Graves, for appellees.

LYNCHBURG COTTON MILLS *v.* RIVES.

March 9, 1911.

[70 S. E. 542.]

1. Evidence (§ 258*)—Admission.—In ejectment it was proper to admit in evidence a letter from defendant's attorney to plaintiff's attorney, which showed on its face that the writer was defendant's attorney, and which showed that defendant claimed title through plaintiff.

[Ed. Note.—For other cases, see Evidence, Cent. Dig. §§ 1106, 1107; Dec. Dig. § 258.* 4 Va.-W. Va. Enc. Dig. 763; Id. 909.]

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.